

Applicant : Or et al.
Serial Number : 09/800,856
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REMARKS

Applicants have cancelled claims 5-7 and amended claims 1 and 9-11 pursuant to the interviews conducted on July 15, 2003 and July 23, 2003 with Examiners Karen Carlson and Samuel Liu. Claims 1-4 and 8-11 are currently pending in the instant application.

Applicants submit that the term "topical administration" is defined in the specification to include administration via "inhalation" (Specification page 11, lines 14-16). Thus, the Applicants are not amending claims 9-11 to exclude the word "topically."

Rejection under §102(b)

Applicants submit that the current amendments comport with the agreement reached during the July 15, 2003 and July 23, 2003 interviews and render the rejection inapplicable. Applicants respectfully request that the rejection be withdrawn and the claims as currently amended be allowed.

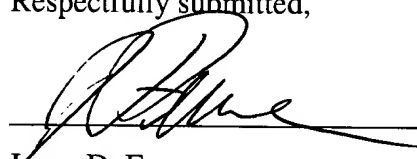
Provisional Rejections – Obviousness-Type Double Patenting

The pending claims of the instant application have been provisionally rejected under the judicially-created doctrine of obviousness-type double patenting (See Action, pages 3-7). Applicants disagree with the assertions in the Action regarding obvious structural variation. Applicants will address these issues upon maturation of any of the instant or cited applications into a granted patent.

Applicants submit that all claims are in condition for allowance. No fee is believed to be due. Please apply any charges to Deposit Account No. 50-2010 referencing attorney docket number ENP-019.

Respectfully submitted,

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